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IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

2024 DEC 33 AM 11:44

Charles of the Family Davis  
Plaintiff

Case No.

U.S. DISTRICT COURT  
DISTRICT OF MASS.

vs.

MICHELE CRISTELLO  
THROUGH THE IV-D AGENCY  
DEFENDANT(s)

**42 U.S.C. § 1983 COMPLAINT FOR  
DEPRIVATION OF RIGHTS UNDER  
COLOR OF LAW**

**I. Parties to This Complaint**

**A. The Plaintiff**

Charles of the Family Davis  
19 Newport St.  
Massachusetts Commonwealth, Boston  
Real land North America: Non Domestic

**B. The Defendant**

MICHELE CRISTELLO ("CRISTELLO") named and sued in HER capacity as director of the alone, detached, and disconnected IV-D agency<sup>3</sup> operating in this State in full compliance with the submitted IV-D. HER principal place of business is 100 Cambridge St. Boston, MA 02114.

**II. Basis for Jurisdiction**

**A.** "This court has Jurisdiction under the Civil Rights Act, 42 U.S.C. § 1983, and its jurisdictional counterpart, 28 U.S.C. § 1343(3), as well as under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*" Section 1983 authorizes suits against those acting under color of state law for violations of federal law and for violations of the United States Constitution. *Maine v. Thiboutot*, 448 U.S. 1, 100 S.Ct. 2502, 65 L.Ed.2d 555 (1980).

**III. Statement of Claim**

**1.** CRISTELLO through the IV-D agency<sup>3</sup> provided a set of instructions to IV-D contractors and personnel to succeed Plaintiff Charles to the status of non-custodial parent<sup>1</sup> subjecting me to IV-D of the Act, by fraudulently identifying me by a social security number<sup>2</sup>. Citing *Expressio Unius Persons Est Exclusio Alterius* Co. Litt. 210, the mention of one person is the exclusion of another; and *Expressio Unius Est Exclusio*

*Alterius*, expression of one thing is the exclusion of another. Co.Litt. 210a; When certain persons or things are specified, in a law, contract, or will, an intention to exclude all others i.e., from its operation is inferred. After learning of this, on or about December 2, 2024 Plaintiff served CRISTELLO with a notice see "Exhibit A", to terminate my involuntary participation in the IV-D program on the basis that there was a blatant error in the identity of the non-custodial parent<sup>1</sup> and my identity provided by Part the First Article I as a Genesis 1;26 man by nature equally free and independent. *Id.* Preamble.

2. As the director of the IV-D agency<sup>3</sup> operating [in] this Commonwealth CRISTELLO in the executive branch, was authorized to terminate my involuntary participation for the benefit, security, and protection of me and my rights administratively on the basis that the Notice did not have to be filed with the court clerk nor await the signature of a judge, but SHE chose not to.

3. The Constitution Part the First Article VII provides that the ALL government are created to be a benefit, security, and protection of the Part the First Article I people. CRISTELLO's failure to act when there was a constitutional duty to act was legal nonfeasance by not doing something which you ought to do, which resulted in the deprivation of my rights, significant financial losses, and emotional distress.

#### **IV. Explanation of How Defendant Acted Under Color of Federal and State Law**

4. In order to profit from the operation of the IV-D program in the Commonwealth, CRISTELLO was required to perform under the adopted requirements of 42 U.S.C. § 666 statutorily prescribed procedures to improve.

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<sup>1</sup> 42 U.S.C. § 666(a)(3)(C) notice of the noncustodial parent's social security number shall be furnished to the IV-D agency enforcing the order.

<sup>2</sup> 20 C.F.R 422.103(d): Social security number cards are the property of SSA.

<sup>3</sup> 45 C.F.R § 301.1 IV-D agency means the alone, detached and disconnected organizational unit "[in]" the State that has the responsibility for supervising the administration of the IV-D plan under the Act.  
effectiveness for IV-D collections

5. Title 42 of the U.S. Code is a non-positive law, presumed evidence of the law and home of IV-D of the Act. However title 42 itself has never been enacted into positive law. This non-positive law title is contradistinguished to positive law titles which constitute legal evidence of the law in all federal and state courts *Id.* 1 U.S.C. § 204. The

Office of the Law Revision Counsel for the United States Code, POSITIVE LAW CODIFICATION (house.gov).

6. As director CRISTELLO is accountable for the operation of the IV-D program, and responsible for securing compliance with the requirements of the IV-D plan not the Constitution, by contracted agency officials. SHE issued instructions under adopted statutes that mirror Title 42 non-positive law titles. Therefore, at all times relevant CRISTELLO acted under Color of Law "the appearance or semblance, without the substance, of legal right." *State v. Brechler*, 185 Wis. 599, 202 N.W. 144, 148.

**V. Plaintiff Alleges that CRISTELLO Acted Under Color of Law and did Deprive me of:**

- a. My 1<sup>st</sup> Amendment inherent and inalienable rights to worship Almighty God to the dictates of my own conscience for subjecting me to § 666, and My right to not associate with the IV-D agency by compelling me against my will to participate in the IV-D program as an artificial person<sup>1</sup> with no rights, and;
- b. My 4<sup>th</sup> Amendment inalienable right to be let alone and free from the IV-D agency's intrusion into my private life for consistently using the social security number I hold to search for My personal matters, employment, financials, and other assets, and;
- c. My 5<sup>th</sup> Amendment inherent and inalienable right to due process for failing to issue instruction that provide me with notice of the legal consequences that arise from participation in the IV-D program, and My privilege against self-incrimination for identifying me by a social security number<sup>2</sup>, and;
- d. My 7<sup>th</sup> Amendment inalienable right to a trial by jury on for succeeding me to the status of non-custodial parent<sup>1</sup> so that I would not be entitled to a trial by jury, and;
- e. My 13<sup>th</sup> Amendment inalienable right against slavery by succeeding me to the status of 20 U.S.C. § 422.103(d) property<sup>2</sup>, and involuntary servitude by requiring me to work against my will or face jail and;
- f. My 14<sup>th</sup> Amendment inherent and inalienable right to due process again for failing to provide me with notice of the legal consequences that arise from participation in the IV-D program, and the denial of my right to equal protection of the laws by allowing paying customers to terminate IV-D services at any time and denying me the same.

**Conclusion**

7. The Constitution Part the First Article I positively identifies me as a Genesis 1;26 man by nature equally free and independent from whom which ALL factions of any governments exercise of just powers requires my consent, the Declaration of Independence. I did not consent to participate in the IV-D program resulting in the

violation of my 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> Amendment rights so secured under color of law.

8. The facts present herein are undisputed, with malicious intent to circumvent the Constitution, CRISTELLO issued instructions to IV-D agency<sup>3</sup> contractors and personnel in full compliance with the IV-D plan to succeed me to the status of non-custodial parent<sup>1</sup> positively identified as property<sup>2</sup> that has no inalienable rights, resulting the deprivation of my inalienable rights.

#### **Prayer for Relief**

9. My claims have plausibility, and I have plead factual content that allows the Court to draw a reasonable inference that the Defendant is liable for the misconduct alleged. WHEREFORE, this honorable Court should hold true that MICHELE CRISTELLO is liable to Me for the deprivation of my rights under color of law. Plaintiff now has Article III standing and this Court has authority granted by the Constitution to assume jurisdiction over this action and to:

1. Award Plaintiff Charles termination of my involuntary participation in the IV-D program;
2. Award Plaintiff Charles zero dollar amount of arrears, removal from my credit history, and a full refund of \$30,000.00 at 6% interest for monies exacted or obtained from me during my involuntary participation, and;
3. Award Plaintiff Charles \$25,000.00 compensatory, punitive, and other damages against CRISTELLO through the IV-D agency for deprivation of my 1<sup>st</sup> Amendment natural and inalienable rights and;
4. Award Plaintiff Charles \$25,000.00 compensatory, punitive, and other damages against CRISTELLO through the IV-D agency for deprivation of my 4<sup>th</sup> Amendment inalienable right to privacy, and;
5. Award Plaintiff Charles \$25,000.00 compensatory, punitive, and other damages against CRISTELLO through the IV-D agency for deprivation of my 5<sup>th</sup> Amendment inalienable right to due process, and my privilege against self-incrimination, and;
6. Award Plaintiff Charles \$25,000.00 compensatory, punitive, and other damages against CRISTELLO through the IV-D agency for deprivation of my 7<sup>th</sup> Amendment inalienable right to a trial by jury, and;
7. Award Plaintiff Charles \$25,000.00 compensatory, punitive, and other damages against CRISTELLO through the IV-D agency for deprivation of my 13<sup>th</sup> Amendment inalienable right against slavery and involuntary servitude, and;
8. Award Plaintiff Charles \$25,000.00 compensatory, punitive, and other damages against CRISTELLO through the IV-D agency for deprivation of my

- 14<sup>th</sup> Amendment inalienable right to due process and denial of my right to equal protection of the laws, and;
9. Award Plaintiff Charles reasonable legal fees, expenses, and costs of litigation pursuant to 42 U.S.C. § 1988 in the amount of \$3,000.00 as the prevailing party.
10. A jury trial is demanded.



Respectfully submitted

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Charles of the Family Davis

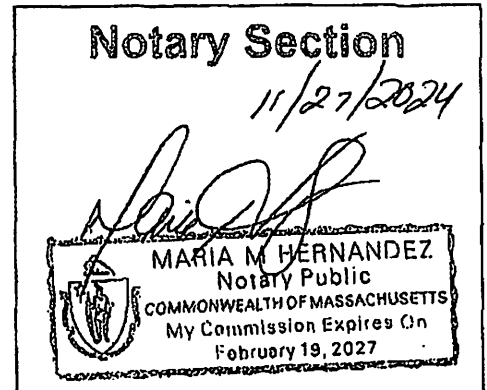
Charles<sup>ES</sup> of the Family Davis  
19 Newport St.  
Massachusetts Commonwealth, Dorchester  
Non Domestic: Real Land North America

ATTN: MICHELE CRISTELLO  
19 Staniford St.  
Boston, MA 02114

45 C.F.R. § 302.34 Contractual Agents:

- Administrative Office of the Courts;
- Dorchester County Clerk of Superior Court;
- Dorchester County Court;
- Dorchester County Sheriff.

<sup>ES</sup>  
RE: DAVIS CHARLSE  
ID @ SSN XXX-XX-5059  
IV-D Security Interest # 20W1320



### Notice of Termination of Involuntary Participation

December 2, 2024

You, MICHELE CRISTELLO, director of the IV-D agency operating in this Commonwealth, by due process of law are herein served with this order requiring you to terminate my involuntary participation in the IV-D program based on the following facts:

1. MICHELE, "Although state participation in the Social Security Act itself is mandatory, participation by a state in the IV-D program is voluntary." *Wehunt v. Ledbetter*, 875 F.2d 1558, 1563 (11th Cir. 1989). The Constitution provides that government was created to be a benefit, security, and protection of Article I people, deriving its just powers from the consent of the governed. Therefore I do not consent to voluntarily participate in the IV-D program.

2. MICHELE, Part the First Article VII requires the termination of my involuntary participation based on the blatant error in the identity of the noncustodial parent that is subject to the provision of 42 U.S.C. § 666, and my identity provided by Part the First Article I as a Genesis 1:26 man by nature equally free and independent.

3 MICHELE, this mistake of fact and the error in identity have become unconstitutional and are now encroaching upon my 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> Amendment Rights. On the factual basis that I am not a non-custodial parent As the



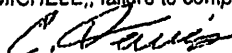
director of the IV-D agency operating [in] this state, within the executive branch, you are authorized to terminate my involuntary participation administratively pursuant to 45 C.F.R. § 303.11(b)(7), the noncustodial parent's location is unknown, and the IV-D agency has made diligent efforts using multiple sources, all of which have been unsuccessful to locate the noncustodial parent. This termination of my involuntary participation does not have to be filed with the court clerk nor await the signature of a judge

4. MICHELE, now that you are fully aware of the encroachment of my rights so secured, your failure to act when there is a constitutional duty to act will result in your legal nonfeasance by not doing something which you ought to do, furthering the encroachment of my inalienable rights, significant financial losses, and emotional distress.

5. MICHELE, Part the First Article I positively identifies me as a Genesis 1:26 man by nature equally free and independent from whom ALL factions of any governments in exercise of just powers requires my consent. I am not a 42 U.S.C. § 666(a)(3)(C) non-custodial parent identified as 20 C.F.R. § 422.103(d) property that has no rights. The constitution compels you as an officer within the executive branch as the benefit, security and protection of me and my rights, to terminate my involuntary participation in the IV-D program pertaining to IV-D Case No. 20W1320, including zero dollar amount of arrears, removal from my credit history; and issue me a refund of \$30,000.00 in full at 6% interest 72 hours after receipt of this notice.

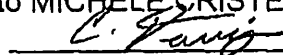
**Warning**

MICHELE,, pursuant to 42 U.S.C. § 659(a) consent to enforcement provides that you are performing under IV-D as a Sec. (i)(4) private person who does not have sovereign or other special immunity or privilege which causes you not to be subject to legal process. Therefore MICHELE,, failure to comply will result in a 42 U.S.C. § 1983 action against you.

  
 Charles of the Family Davis

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a notarized copy of the foregoing was delivered via U.S. certified mail to MICHELE CRISTELLO, 19 Staniford St. Boston, MA 02114.



Charles of the Family Davis

Exhibit A

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USMS  
Screened